

**Timothy J. Hogan**

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**From:** Timothy J. Hogan  
**Sent:** Monday, February 20, 2006 8:22 AM  
**To:** 'Damian Capozzola'  
**Cc:** Lex; Lyle; Mike Baumann  
**Subject:** RE: Kinrich materials / deposition

I take your response as a refusal. We will move in limine to bar Kinrich in total based on that refusal.

Tim Hogan

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Timothy J. Hogan  
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-----Original Message-----

From: Damian Capozzola [mailto:dcapozzola@kirkland.com]  
Sent: Monday, February 20, 2006 8:12 AM  
To: Timothy J. Hogan  
Cc: Lex; Lyle; Mike Baumann  
Subject: Kinrich materials / deposition

Mr. Hogan:

In response to your e-mail of Saturday, February 18, your Friday (2/17) after hours request for materials concerning Kinrich was and is unreasonable, and we reject it. We will accept service of a proper deposition notice with document demands for Mr. Kinrich, if you wish to serve one. The deposition would take place in Los Angeles on 2/21. (Recall that I told you on February 13 that Kinrich would be preparing a new report for service on 2/17 and that any discovery deposition would be in Los Angeles on 2/21).

We are still ready to proceed in this manner.

Alternatively, now that you have seen the full scope of the flaws in Ueno's analysis, perhaps you will simply withdraw Ueno.

Please let me know how you wish to proceed.  
Thank you for your attention to these matters.

--Damian Capozzola

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